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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,642	01/20/2004	Glenn A. Morten	08223/100S130-US1	1026

7278 7590 01/04/2005

DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257

EXAMINER
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ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,642	<b>Applicant(s)</b> MORTEN, GLENN A.	
	<b>Examiner</b> Kambiz Zand	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. **Claims 1-39** have been examined.

#### ***Information Disclosure Statement PTO-1449***

2. The Information Disclosure Statement submitted by applicant on 07/26/2004 has been considered. Please see attached PTO-1449.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4, 6-16, 18-22, 24, 29, 31-37 and 39** are rejected under 35 U.S.C. 102(b) as being anticipated by Al-Salqan (6, 160, 891 A).

As per claims **1-4, 6-16, 18-22, 24, 29, 31-37 and 39** Al-Salqan discloses A system for securely playing a content stream, comprising: (a) a processor that is arranged to perform actions, including: (1) selectively encrypting at least a portion of the content

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stream using a content key; (2) encrypting the content key using a screener key; and (3) encrypting the screener key using a public key; and (b) a player that is arranged to receive the selectively encrypted content stream and encrypted screener key, and to perform actions, including: (1) decrypting the encrypted screener key using a private key associated the public key, wherein the public key and the private key are bound to the player; (2) decrypting the encrypted content key using the screener key; and (3) decrypting the selectively encrypted content stream using the content key, having user id, authentication procedure, having CD, memory and encryption of the content using DES or RSA algorithm (see abstract; fig.2-5; col.3, lines 17-67; col.4-6 and col.7, lines 1-47).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclose or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5, 17, 23, 30 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Al-Salqan (6, 160, 891 A) in view of Downs et al (6,226,618 B1).

**As per claims 5, 17, 23, 30 and 38** Al-salqan discloses all limitations of the claims as

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disclosed above but do not disclose having HDVD or CD-R and streaming frames such as stream video or stream content. However Downs et al disclose having HDVD or CD-R and streaming frames such as stream video or stream content (see col.59, lines 50-54; col.64, lines 38-58 and col.65). It would have been obvious to one of ordinary skilled in the art to utilize Downs et al 's high definition devices such as CD-R, streaming content in Al-Salqan's secure content delivery in order to protect digital content delivery in sharper resolution and speed.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

A handwritten signature in black ink, appearing to read 'Kambiz Zand', written in a cursive style.

Kambiz Zand

12/21/04